

42. The method of Claim 35, further comprising adjusting either the forecasted sales or the allocated supply for one or more products for the seller according to an arrival rate of customer orders for those products through the seller.

### **REMARKS**

Applicant has carefully reviewed this Application in light of the Office Action mailed May 22, 2001 (Paper No. 6). Applicant has amended the specification to update information concerning related applications. Claims 11-42 are pending in this Application, and no claims have been withdrawn from consideration. Applicant has amended Claims 14 and 30 to clarify, more particularly point out, and more distinctly claim various inventive concepts already present in Applicant's claims. These amendments do not narrow the claims and were not made in relation to patentability. Applicant respectfully requests reconsideration and favorable action in this case.

### **Objections**

The Examiner objects to several references to application serial numbers and filing dates with blank lines. Applicants have amended the specification to update information concerning related applications.

### **Rejections**

The Examiner rejects 11-42 based on the judicially created doctrine of obviousness-type double patenting over Claims 1-82 of U.S. Patent No. 6,188,989. The Examiner also rejects Claims 11-18 and 27-34 under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application No. 0425405A2 of James et al. ("*James*") in view of U.S. Patent No. 5,712,985 to Lee et al. ("*Lee*"), and rejects Claims 19-26 and 35-42 under 35 U.S.C. § 103(a) as being unpatentable over James in view of Lee and in further view of "Dun & Bradstreet Software Delivers Sales and Promotion System to Manufacturers" by Frank O. Smith ("*Smith*"). Applicant provides the following remarks to further clarify at least some of the various patentable distinctions over the prior art. If, after consideration of this response, the Examiner acknowledges that the application contains otherwise allowable subject matter,

Applicant is prepared to submit an appropriate Terminal Disclaimer overcoming the obviousness-type double patenting rejections.

Independent Claim 11 of the present Application recites:

A system for managing data associated with available-to-promise (ATP) products, comprising:

at least two seller models that each represent a seller for one or more products, each product being associated with a product forecast model representing:

forecasted sales of the product through the seller;  
planned supply of the product;  
customer orders for the product through the seller; and  
allocated supply of the product to the seller; and

the system operable to compute the amount of the product that is ATP at the seller according to the planned supply, the customer orders, the allocated supply, and the amount of the product that is ATP at one or more other sellers.

Independent Claim 19 recites similar features and operation where each product corresponds to an item having one or more restrictions on its sale and at least two products correspond to the same item but with at least one different restriction. Independent Claims 27 and 35 are directed to methods and recite limitations substantially similar to those in Claims 11 and 19, respectively.

*James* discloses a traditional ATP method for automated customer order promising and confirming. In the system of *James*, in contrast to the present invention, the customer orders are subtracted directly from the planned supply, and the allocations (promises) are made from the planned supply directly to the customer orders. The terms "allocation" and "promise" are used synonymously in *James*.

Claim 11 of the present Application recites features and operation entirely absent in *James*, whether *James* is considered alone or in combination with one or more other cited references. As recited in Claim 11, the system includes "at least two seller models that each represent a seller for one or more products." Each product is associated with a product forecast model that represents the "allocated supply of the product to the seller." Furthermore, the amount of the product that is ATP at the seller is computed "according to

the planned supply, the customer orders, the allocated supply, and the amount of the product that is ATP at one or more other sellers.”

The features and operation recited in Claim 11 are patentably distinguishable from the traditional single-level allocation (promise) technique disclosed in *James* and provide a number of important technical advantages over such previous techniques. Furthermore, *James* teaches away from the present invention. In promising customer orders, *James* replans supply using an MRP or CRP mechanism. Such replanning may be highly problematic in practice, as discussed briefly in the Applicant’s background of the Invention. According to the present invention, replanning need not be performed during promising, such that some or all of these potential problems may be reduced or eliminated.

Although *Lee* discloses a demand forecasting and production scheduling method, and *Smith* discloses a system that accounts for the impact of customer orders already in progress when scheduling requested customer orders, these references, even when combined with *James*, still do not disclose, teach, or suggest the features and operation recited in Claim 11.

Since *James*, *Lee*, and *Smith* do not anticipate or make obvious the features and operation recited in Claims 11, 19, 27 and 35, whether these cited references are considered singly or in combination, Claims 11, 19, 27 and 35 are patentably distinguishable from the prior art of record. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 11, 19, 27 and 35, together with those claims that depend on Claims 11, 19, 27 and 35.

Dependent Claims 12-18, 20-26, 28-34 and 36-42 recite numerous additional patentable distinctions, which are not disclosed, taught, or suggested in the prior art. Moreover, Claims 12-18, 20-26, 28-34 and 36-42 depend on Claims 11, 19, 27 and 35 respectively, which Applicant has shown to be allowable over the prior art of record. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 12-18, 20-26, 28-34 and 36-42.

**CONCLUSION**

Applicant has made an earnest effort to place this case in condition for allowance. Applicant respectfully requests reconsideration and allowance of all pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Christopher W. Kennerly, the Attorney for Applicant, at the Examiner's convenience at (214) 953-6812.

Although Applicant believes that no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicant



Christopher W. Kennerly  
Registration No. 40,675

**Correspondence Address:**

2001 Ross Avenue, Suite 600  
Dallas, Texas 75201  
Phone: 214.953.6812

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**MARKED UP VERSION OF SPECIFICATION AND CLAIM AMENDMENTS**

**IN THE SPECIFICATION**

Please delete the paragraph on page 1 beginning at line 3 and insert the following replacement paragraph:

This application is related to the following **[applications]** **patents** which are incorporated by reference herein:

U.S. **Patent** Application Serial No. [ ] **08/491,153**, filed [ ] **June 16, 1995**, and entitled EXTENSIBLE MODEL NETWORK REPRESENTATION SYSTEM FOR PROCESS PLANNING [(Attorney Docket No. 020431.036)], **now U.S. Patent No. 5,764,543**;

U.S. **Patent** Application Serial No. [ ] **08/491,121**, filed [ ] **June 16, 1995**, and entitled **MODEL-INDEPENDENT AND** INTERACTIVE REPORT GENERATION SYSTEM AND METHOD OF OPERATION [(Attorney Docket No. 020431.037)], **now U.S. Patent No. 5,832,532**; **and**

U.S. **Patent** Application Serial No. [ ] **08/491,168**, filed [ ] **June 16, 1995**, and entitled STRATEGY DRIVEN PLANNING SYSTEM AND METHOD OF OPERATION [(Attorney Docket No. 020431.038)], **now U.S. Patent No. 5,845,258**.

Please delete the paragraph on page 18 beginning at line 13 and insert the following replacement paragraph:

The product model type has a forecast policy extension selector that allows additional fields and semantics to be added to a product model. Extension selectors are described in more detail in U.S. [Application Serial] **Patent** No. [ ] **5,764,543**, [filed ] **issued June 9, 1998**, and entitled EXTENSIBLE MODEL NETWORK REPRESENTATION SYSTEM FOR PROCESS PLANNING, the disclosure of which has been incorporated herein by reference.

**MARKED UP VERSION OF SPECIFICATION AND CLAIM AMENDMENTS**

**IN THE CLAIMS**

14. (Amended) The system of Claim 13, wherein:  
all forecast models for one or more sellers are communicated to the remote system;  
**and**  
the system **is further operable to:**  
[receives] **receive** from the remote system [a] **the** promise also computed  
according to the amount of **the** product that is ATP at **the** one or more other sellers; and  
adjust the amount of the product that is ATP at **the** one or more other sellers if  
the promise exceeds the allocated supply for the seller.

30. (Amended) The method of Claim 29:  
wherein all forecast models for one or more sellers are communicated to the remote  
system;  
wherein the promise has also been computed according to the amount of **the** product  
that is ATP at **the** one or more other sellers; and  
further comprising adjusting the amount of the product that is ATP at **the** one or more  
other sellers if the promise exceeds the allocated supply for the seller.